

54-8a-7.5 Third-party damages caused by failure to locate.

- (1) If an operator fails to locate a facility as required by this chapter and an excavator damages another operator's facility of a similar size and appearance that fits surface markings as required by Subsection 54-8a-5(1)(b), the operator who failed to locate its facility is liable for the costs of damage to the facility caused by the excavator if:
 - (a) the excavator complies with Sections 54-8a-4, 54-8a-5.5, and 54-8a-6; and
 - (b) the excavator demonstrates that the damage is the direct result of the operator's failure to locate its facility.
- (2) An excavator who damages a third-party operator's facility as described in Subsection (1):
 - (a) shall pay for the costs of repairing the damaged facility; and
 - (b) may seek recovery of the costs of damage from the operator who failed to mark its facility.
- (3) Resolution of a dispute under this section may be in accordance with Section 54-8a-13.

Enacted by Chapter 426, 2011 General Session